UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,264	03/28/2001	Satoru Ueda	450100-03087	2071

20999 7590 09/12/2007	EXAMINER	
FROMMER LAWRENCE & HAUG	DESHPANDE, KALYAN K	
745 FIFTH AVENUE- 10TH FL.		
NEW YORK, NY 10151	ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>04 September 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-11*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 11. does NOT place the application in condition for allowance because:

Applicants' amendments will not be entered because the amended limitations will require further consideration and/or further search.

Applicants arguments fail to comply with 37 C.F.R. 1.111(b) because the arguments fail to specifically point out how the present invention is distinguished from the cited references.

Examiner maintains De Rafael teaches:
a contents market research apparatus comprising:
contents introduction information storage means for storing content introduction information for introducing said picture content to said pollee (see column 4 lines 10-65; where advertisers display content introduction information to users. The advertisements are contents introduction information and the picture content. A user is prompted to answer information by selecting an advertisement, thereby making the user a pollee. All information, including that of advertisement information and polling information is stored in a database.);
contents introduction information sending means for sending said content introduction information stored in said contents introduction information storage means (see column 4 lines 10-65; where the system is a client/server network. Information is sent via the internet to client users.),
contents polling information receiving means for receiving the contents polling information that includes said polling information for said picture content (see column 4 lines 10-65; where pollee answers are received by the server. Advertisements (picture contents) are sent to users through the internet and are received by client computers.),
contents polling information storage means for storing said contents polling information received by means of said contents polling information receiving means (see column 4 lines 10-65; where the polling information is stored in a database.),
poll result counting means for discriminately counting said contents polling information entered by a predetermined pollee and said contents polling information entered by a general pollee (see column 4 lines 21-25: where statistical demographic information is compiled for the answers submitted by pollees.); and
a display for displaying business profitability when said picture content is commercialized on a display apparatus (see column 3 lines 28-44: the advertiser views the demographic information of pollees enabling the user to deduct profitability analysis information. This information is displayed to the user.)
wherein personal information is counted, if included in the contents, and a marketable field of the content is specified based on the counted result of the personal information (see column 2 lines 47-55 and column 3, lines 7-15: "This information may include, for example, the user's name, residence address, age, and any other demographic information that an advertiser may wish to know about the persons who view its advertisements. Whenever the user desires to view advertisements, the user logs into the remote computer in a suitable manner that identifies the user and allows the remote computer to determine the account corresponding to that user" whereby personal information is obtained from the pollees and it is used as criteria for additional questions and "In certain embodiments of the invention, the questions may further be generated in response to the user's demographics. For example, a certain question may be asked only if the user is under 30 years of age and answered "Yes" to the previous question. The algorithm ensures that the sequence of questions and answers, although dynamically generated, is finite in length. When the user responds to the final question of the sequence, the remote computer credits the user's account." Which makes it a marketable field of the content.);
wherein advertisements are sent directly to the pollee based on the contents polling information and the personal information included in the contents polling information (see column 5 lines 52-67 and column 6 lines 44-63; where advertisements are directly sent to the pollee based on both information entered by the user and demographic information based on a pre-determined algorithm.);
wherein said contents introduction information is classified into separate subdivisions as a function of subject matter (see column 6 lines 44-64; where the user selects advertisements and an algorithm determines the next question for the pollee to answer. The algorithm can be a complex structure or a basic decision tree. A decision tree is a network of nodes that subdivide a subject matter.);
wherein said contents introduction information is sent to a contents polling apparatus of said pollee who is suitable for said subject matter (see column 5 lines 52-67 and column 6 lines 44-63; where advertisements are directly sent to the pollee based on information entered by the user, including personal and demographic information, and a pre-determined algorithm. For example, a user interested in tax information is presented with the appropriate questions and advertisements.);
wherein a result counted by said poll results counting means indicates the most marketable picture content and said picture content is selected to be commercialized based on the result (see column 7 lines 48-62; where in a statistical analysis of the entered information determines the most marketable content. A statistical analysis is the same as counting.); and
said content polling apparatus (see figure 2; where a computer is used for polling means) comprising:
contents introduction information receiving means for receiving said content introduction information sent by means of said contents introduction information sending means (see column 4 lines 10-65; where pollee answers are received by the server. Advertisements (picture contents) are sent to users through the internet and are received by client computers.),
contents introduction information display means for displaying said content introduction information (see column 4 line 10-65; where in the client/server setup, advertisements (contents introduction information) is sent and displayed at a client station.),
contents polling means for entering said polling information (see column 4 lines 10-65; where a user is enabled to enter polling information by selecting an advertisement.), and
contents polling information sending means for sending said contents polling information entered by said contents polling means (see column 4 lines 10-65; where polled information is sent to the server for analysis and storage.).

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